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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,450	09/30/2003	Walter Etter	11	4124

7590 06/25/2007

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER	
CHAWAN, VIJAY B	
ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
06/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,450	ETTER, WALTER	
	Examiner	Art Unit	
	Vijay B. Chawan	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 30 September 2003 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Thyssen et al., (6,240,386).

As per claim 1, Thyssen et al., teach a method for processing a voice signal in a communications network, the method comprising: partially decoding a bit stream corresponding to an encoded version of the voice signal to obtain an excitation parameter corresponding to the voice signal; and estimating a noise level of the voice signal using the excitation parameter as input (Col.7, line 36 – Col. 19, line 55).

As per claim 2, Thyssen et al., teach the method according to claim 1, wherein the excitation parameter comprises a fixed codebook excitation component (Col.7, line 36 – Col. 19, line 55).

As per claim 3, Thyssen et al., teach the method according to claim 1, wherein the excitation parameter comprises a fixed codebook gain table index (Col.7, line 36 – Col. 19, line 55).

As per claim 4, Thyssen et al., teach the method according to claim 1, wherein the excitation parameter comprises a fixed codebook gain parameter (Col.7, line 36 – Col. 19, line 55).

As per claim 5, Thyssen et al., teach the method according to claim 4, further comprising the step of multiplying the fixed codebook gain parameter by a scaling factor (Col.7, line 36 – Col. 19, line 55).

As per claim 6, Thyssen et al., teach the method according to claim 5, wherein the scaling factor is a constant value (Col.7, line 36 – Col. 19, line 55).

As per claim 7, Thyssen et al., teach the method according to claim 6, wherein the constant value is approximately 0.3 (Col.7, line 36 – Col. 19, line 55).

As per claim 8, Thyssen et al., teach the method according to claim 1, wherein the excitation parameter comprises a fixed codebook gain component and an adaptive codebook gain component (Col.7, line 36 – Col. 19, line 55).

As per claim 9, Thyssen et al., teach the method according to claim 8, further comprising the step of multiplying the fixed codebook gain component by a scaling factor (Col.7, line 36 – Col. 19, line 55).

As per claim 10, Thyssen et al., teach the method according to claim 9, wherein the scaling factor is a variable scaling factor (Col.7, line 36 – Col. 19, line 55).

As per claim 11, Thyssen et al., teach the method according to claim 10, further comprising the step of computing the variable scaling factor as a function of the adaptive codebook gain component (Col.7, line 36 – Col. 19, line 55).

As per claim 12, Thyssen et al., teach a method for estimating noise in a speech signal in a communications network, wherein the speech signal is encoded and transported through the network as a bit stream, the method comprising: partially decoding the bit stream to obtain a fixed codebook excitation component and an adaptive codebook excitation component corresponding to the encoded speech signal; and estimating a noise level of the speech signal based on the fixed codebook excitation component and the adaptive codebook excitation component (Col.7, line 36 – Col. 19, line 55).

As per claim 13, Thyssen et al., teach the method according to claim 12, further comprising the step of scaling the fixed codebook excitation component according to a constant value (Col.7, line 36 – Col. 19, line 55).

As per claim 14, Thyssen et al., teach the method according to claim 12, further comprising the step of scaling the fixed codebook excitation component as a function of the adaptive codebook excitation component (Col.7, line 36 – Col. 19, line 55).

As per claim 15, Thyssen et al., teach an apparatus for processing a speech signal, the apparatus comprising: a decoder for extracting an excitation parameter from a bit stream corresponding to an encoded speech signal; and a noise estimator operable to estimate a noise level in the speech signal using the excitation parameter as input (Col.7, line 36 – Col. 19, line 55).

As per claim 16, Thyssen et al., teach the apparatus according to claim 15, wherein the excitation parameter comprises a parameter selected from the group consisting of a fixed codebook excitation component, a fixed codebook gain table index, and a fixed codebook gain parameter (Col.7, line 36 – Col. 19, line 55).

As per claim 17, Thyssen et al., teach the apparatus according to claim 15, further comprising a multiplier element operable to multiply the excitation parameter by a scaling factor (Col.7, line 36 – Col. 19, line 55).

As per claim 18, Thyssen et al., teach the apparatus according to claim 17, wherein the scaling factor is a constant value (Col.7, line 36 – Col. 19, line 55).

As per claim 19, Thyssen et al., teach the apparatus according to claim 15, wherein the excitation parameter comprises a fixed codebook gain component and an adaptive codebook gain component (Col.7, line 36 – Col. 19, line 55).

As per claim 20, Thyssen et al., teach the apparatus according to claim 19, further comprising a multiplier element operable to multiply the fixed codebook gain component by a scaling factor (Col.7, line 36 – Col. 19, line 55).

As per claim 21, Thyssen et al., teach the apparatus according to claim 20, wherein the scaling factor is variable as a function of the adaptive codebook gain component (Col.7, line 36 – Col. 19, line 55).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See attached PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vijay B. Chawan
Primary Examiner
Art Unit 2626

vbc
6/18/07

VIJAY CHAWAN
PRIMARY EXAMINER